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SENATE BILL 427

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO STATE-OWNED VEHICLES; MODIFYING THE AUTHORITY AND RESPONSIBILITIES OF THE TRANSPORTATION SERVICES DIVISION OF THE GENERAL SERVICES DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 15-8-2 NMSA 1978 (being Laws 1994, Chapter 119, Section 2, as amended) is amended to read:

"15-8-2. FINDINGS AND PURPOSE.--The legislature finds that centralized control of state vehicles is in the best interest of the state because it permits the state to use its transportation resources in the most efficient and effective manner. The primary purposes of the Transportation Services Act are to:

A. [~~to~~] provide a centralized agency to purchase state vehicles and to control their use;

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1 B. ~~[to]~~ implement and administer the State Aircraft
2 Act; and

3 ~~[G. to supervise and monitor the alternative fuel~~
4 ~~conversion program; and~~

5 ~~D. to supervise and administer a state travel~~
6 ~~coordination program, including coordinating and monitoring the~~
7 ~~in-state and out-of-state travel of official state business]~~

8 C. provide authorization for administration of the
9 state's state and federal surplus property programs."

10 Section 2. Section 15-8-3 NMSA 1978 (being Laws 1994,
11 Chapter 119, Section 3, as amended) is amended to read:

12 "15-8-3. DEFINITIONS.--As used in the Transportation
13 Services Act:

14 ~~[A. "department" means the general services~~
15 ~~department;~~

16 ~~B.]~~ A. "director" means the director of the
17 division;

18 ~~[C.]~~ B. "division" means the transportation
19 services division of the general services department;

20 ~~[D.]~~ C. "secretary" means the secretary of general
21 services;

22 ~~[E.]~~ D. "state agency" means a state department,
23 agency, board or commission, ~~[except]~~ including the legislative
24 and judicial branches, but not including public schools and
25 institutions of higher education; and

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1 ~~[F.]~~ E. "state vehicle" means an automobile, van,
2 sport-utility truck, pickup truck or other vehicle with a
3 declared gross vehicle weight of less than ten thousand pounds
4 used by a state agency to transport passengers or property."

5 Section 3. Section 15-8-4 NMSA 1978 (being Laws 1994,
6 Chapter 119, Section 4, as amended) is amended to read:

7 "15-8-4. DIVISION CREATED.--The "transportation services
8 division" is created in the general services department. The
9 director shall be appointed by the secretary with the consent
10 of the governor. Staff of the division shall be covered by the
11 provisions of the Personnel Act."

12 Section 4. Section 15-8-5 NMSA 1978 (being Laws 1994,
13 Chapter 119, Section 5) is amended to read:

14 "15-8-5. DIVISION--GENERAL POWERS AND DUTIES.--The
15 division shall:

16 A. have control over ~~[all]~~ state vehicles owned or
17 leased by the division;

18 B. regulate the use of the state vehicles owned or
19 leased by the division;

20 ~~[C. hold the titles of all state vehicles and~~
21 ~~provide for the security of the titles;~~

22 ~~D.]~~ C. register all state vehicles ~~[in the custody~~
23 ~~of the division and ensure that state vehicles assigned to~~
24 ~~other state agencies have current and correct registrations]~~
25 owned or leased by the division;

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1 ~~[E.]~~ D. control the issuance of state government
2 plates assigned to a state agency and ensure that state
3 government plates are used only on state vehicles;

4 ~~[F.]~~ E. maintain a complete and accurate inventory
5 of ~~[all]~~ state vehicles ~~[including those in the custody of~~
6 ~~another state agency]~~ owned or leased by the division and the
7 location of ~~[all state]~~ those vehicles;

8 ~~[G.]~~ F. establish and enforce maintenance standards
9 for state vehicles ~~[in the custody of other state agencies]~~
10 owned or leased by the division;

11 ~~[H.]~~ G. require periodic use and maintenance
12 reports from ~~[other]~~ state agencies that have custody of state
13 vehicles owned or leased by the division;

14 ~~[I.]~~ H. purchase or lease, through the state
15 purchasing agent, ~~[all]~~ state vehicles to be owned or leased by
16 the division and assign their use;

17 ~~[J.]~~ I. perform periodic announced and unannounced
18 inspections of state vehicles owned or leased by the division
19 in the custody of ~~[other]~~ state agencies;

20 ~~[K.]~~ J. establish a motor pool and provide ~~[an~~
21 ~~adequate]~~ a fleet of state vehicles for use by state agencies;

22 ~~[L.]~~ ~~provide for the maintenance of state vehicles~~
23 ~~in the motor pool;~~

24 ~~[M.]~~ K. establish and enforce standards for drivers
25 of state vehicles, including revoking driver privileges;

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1 ~~[N. maintain]~~ L. have access to individual state
2 employee driver records ~~[including all tickets received by~~
3 ~~drivers of state vehicles for violations of the Motor Vehicle~~
4 ~~Code]~~ maintained by the taxation and revenue department in
5 order to ensure that drivers of state vehicles hold a current
6 valid driver's license as defined by the rules of the division;

7 ~~[O.]~~ M. maintain a record of all accident reports
8 and insurance claims for vehicles owned or leased by the
9 division;

10 ~~[P.]~~ N. maintain a history of state vehicles owned
11 or leased by the division, including purchases, maintenance and
12 sales;

13 ~~[Q. carry out the provisions of the Alternative~~
14 ~~Fuel Conversion Act; and~~

15 ~~R.]~~ O. have the power to sell or otherwise dispose
16 of [property] vehicles owned or leased by the division pursuant
17 to the provisions of Sections 13-6-1 and 13-6-2 NMSA 1978 after
18 approval of the secretary; and

19 P. administer the state's state and federal surplus
20 property programs."

21 Section 5. Section 15-8-6 NMSA 1978 (being Laws 1994,
22 Chapter 119, Section 6) is amended to read:

23 "15-8-6. STATE VEHICLES--USE--MARKINGS--STATE GOVERNMENT
24 PLATES.--

25 A. The division shall adopt ~~[regulations]~~ rules

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1 governing the use of [state] vehicles used by state agencies,
2 including driver requirements and responsibilities, under what
3 circumstances someone can be assigned a state vehicle on a
4 permanent or semi-permanent basis and when custody of a state
5 vehicle can be vested in another state agency [~~pursuant to the~~
6 ~~provisions of this section~~].

7 B. The division may determine that it is
8 impractical to retain custody of certain state vehicles, and it
9 may provide that custody reside in another state agency in the
10 following cases:

11 (1) the state vehicle is used for emergency or
12 law enforcement purposes; or

13 [~~(2) the state vehicle is of a special design~~
14 ~~or construction that effectively limits its use to a particular~~
15 ~~purpose;~~

16 [~~(3) the money used in the acquisition of the~~
17 ~~state vehicle is subject to constitutional or trust limitations~~
18 ~~that prevent its use as a part of the motor pool;~~

19 [~~(4) the state vehicle is not based in Santa~~
20 ~~Fe;~~

21 [~~(5)~~] (2) the state vehicle is a [~~state highway~~
22 ~~and] department of transportation [~~department~~] truck or tractor
23 or heavy road equipment [~~or~~~~

24 [~~(6) the state agency requires the use of a~~
25 ~~vehicle on a regular basis, as defined by regulation of the~~

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1 ~~division~~].

2 C. Except as provided in [~~Subsection E~~] Subsections
3 E and F of this section, all state vehicles shall be marked as
4 state vehicles. Each side of the vehicle shall [~~have painted~~]
5 be marked, in letters not less than two inches in height, with
6 the following designation of ownership: "State of New
7 Mexico,.....Department" or "State of New Mexico Department of
8" and naming the department using the vehicle. [~~If~~
9 ~~the department has more than one vehicle assigned for its use,~~
10 ~~each vehicle shall be conspicuously numbered in consecutive~~
11 ~~order. The division shall include the words "State Motor Pool"~~
12 ~~and consecutive number of the vehicle on the designation for~~
13 ~~its vehicles.~~]

14 D. Except as provided in [~~Subsection E~~] Subsections
15 E and F of this section, all state vehicles shall have
16 specially designed government registration plates.

17 E. Only state vehicles used for legitimate
18 undercover law enforcement purposes are exempt from the
19 requirements of Subsections C and D of this section. All other
20 state vehicles owned or in the custody of state agencies that
21 have law enforcement functions shall be marked and have state
22 government registration plates.

23 F. A state agency may seek custody of state
24 vehicles as an exception to Subsection B of this section or an
25 exemption to the provisions of Subsection C of this section by

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1 making a written request to the director, specifying the
2 reasons for the proposed custody or exemption. The director
3 may approve the custody or exemption, in writing, indicating
4 the duration and any conditions of the custody or exemption."

5 Section 6. Section 15-8-9 NMSA 1978 (being Laws 1994,
6 Chapter 119, Section 9) is amended to read:

7 "15-8-9. VEHICLE TITLE.--Title to all state vehicles
8 shall be [held] in the name of the [state. ~~Titles, even to~~
9 ~~state vehicles not in the custody of the division, shall be~~
10 ~~kept by the division. The division shall provide for the~~
11 ~~security of vehicle titles]~~ division."

12 Section 7. Section 15-8-10 NMSA 1978 (being Laws 1994,
13 Chapter 119, Section 10, as amended) is amended to read:

14 "15-8-10. RULES [~~AND REGULATIONS~~].--The division shall
15 adopt and file in accordance with the State Rules Act rules
16 [~~and regulations]~~ to carry out the provisions of the
17 Transportation Services Act."

18 Section 8. Section 15-8-11 NMSA 1978 (being Laws 1994,
19 Chapter 119, Section 11) is amended to read:

20 "15-8-11. REPORT TO LEGISLATURE.--The division shall
21 provide an annual report to the legislature that includes
22 information on the operations of the division, including
23 reports on Motor Vehicle Code violations, accidents and
24 insurance claims involving state vehicles owned or leased by
25 the division; major maintenance costs; and purchases and sales

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1 of motor vehicles [~~and progress of the division in carrying out~~
2 ~~the provisions of the Alternative Fuel Conversion Act~~]. The
3 report shall be deemed to have been provided to the legislature
4 when filed with the legislative council service and the
5 legislative finance committee. The division shall make copies
6 available to individual legislators upon request."

7 Section 9. Section 66-3-28 NMSA 1978 (being Laws 1994,
8 Chapter 119, Section 14, as amended) is amended to read:

9 "66-3-28. STATE GOVERNMENT REGISTRATION PLATES--ISSUANCE
10 APPROVED.--[No] State government registration plates shall be
11 provided to a state agency [~~unless approved~~] by the
12 transportation services division of the general services
13 department. As used in this section, "state agency" means a
14 state department, agency, board or commission, [~~except~~]
15 including the legislative and judicial branches, but not
16 including public schools and institutions of higher education."

17 Section 10. Section 66-6-15 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 350, as amended) is amended to read:

19 "66-6-15. VEHICLES OF THE STATE, COUNTY OR
20 MUNICIPALITY.--

21 A. Vehicles or trailers owned by and used in the
22 service of [~~this state~~] an Indian nation, tribe or pueblo
23 located wholly or partly in this state or of any county or
24 municipality of this state need not be registered but must
25 continually display plates furnished by the division.

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1 B. Vehicles on loan from dealers and used in an
2 approved driver-training program by the public schools need not
3 be registered but must continually display plates furnished by
4 the division.

5 C. Each [~~state department or agency, each~~] Indian
6 nation, tribe or pueblo, each county and each municipality
7 shall apply to the division for a plate for each vehicle or
8 trailer in its service and shall provide identifying
9 information concerning each vehicle or trailer for which a
10 plate is applied [~~for~~].

11 D. The division shall issue plates for vehicles and
12 trailers in the service of [~~this state~~] an Indian nation, tribe
13 or pueblo located wholly or partly in this state or of any
14 county or municipality of this state and keep a record of
15 plates issued and plates returned. The plates shall be
16 permanent and need not be renewed from year to year. The
17 plates shall be numbered to identify [~~the state department or~~
18 ~~agency~~] the Indian nation, tribe or pueblo, the county or the
19 municipality to which the plates are issued. The plates shall
20 be the same size as registration plates issued to private
21 vehicles but shall be different in color from the registration
22 plates issued to private vehicles.

23 E. A vehicle or trailer owned by and used in the
24 service of the state need not be registered with the division
25 but must continually display a plate furnished by the

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1 transportation services division of the general services
2 department. A state agency shall apply to the transportation
3 services division of the general services department for a
4 plate for each vehicle or trailer in its service, including
5 identifying information for each vehicle or trailer. The
6 transportation services division of the general services
7 department shall issue plates for state agency vehicles and
8 trailers and shall keep a record of plates issued and plates
9 returned. These plates shall be:

10 (1) permanent and shall not be renewed from
11 year to year;

12 (2) numbered to identify the state agency to
13 which they are issued; and

14 (3) the same size as but a different color
15 from registration plates issued to private vehicles or trailers
16 or from plates issued pursuant to Subsection D of this section.

17 F. As used in Subsection E of this section, "state
18 agency" means a state department, agency, board or commission
19 including the legislative and judicial branches of government,
20 but not including public schools and institutions of higher
21 education."

22 Section 11. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2007.